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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 MARCUS ASAY,
15 Defendant.

CASE NO. 1:22-CR-162-DAD-BAM

STIPULATION AND ORDER TO CONTINUE
STATUS CONFERENCE

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17 **BACKGROUND**

18 This matter is currently scheduled for a status conference on **January 25, 2023**. Doc. 8. On
19 January 10, 2023, the Court directed the parties to file a joint status report; or in the alternative, to file a
20 stipulation to continue the status conference. *Id.* The parties have agreed that further time is necessary
21 for defense investigation, review of discovery, trial preparation, and potential plea negotiations. The
22 parties have therefore agreed to stipulate to a continuance of the status conference.

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24 **STIPULATION AND ORDER**

25 **IT IS HEREBY STIPULATED** by and between the parties hereto, and through their respective
26 attorneys, that the status conference currently set for January 25, 2023 be continued to April 26, 2023. Time
27 shall be excluded from January 25, 2023 to April 26, 2023 under the Speedy Trial Act for defense
28

preparation and continuity of counsel. The Court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial.

Respectfully submitted,

PHILLIP A. TALBERT
United States Attorney

DATED: January 18, 2023

By: /s/ Michael G. Tierney
Michael G. Tierney
Assistant United States Attorney

DATED: January 18, 2023

By: /s/ Anthony P. Capozzi
Anthony P. Capozzi
Attorney for Marcus Asay

ORDER

The status conference currently set for January 25, 2023, is hereby continued to **April 26, 2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time shall be excluded from January 25, 2023, to April 26, 2023, under the Speedy Trial Act for defense preparation and continuity of counsel. The Court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial.

IT IS SO ORDERED.

Dated: January 18, 2023

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE